IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7096 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DISTRICT PANCHAYAT DRIVER'S ASSOCIATION

Versus

STATE OF GUJARAT

Appearance:

MR BC DAVE for Petitioner

MR SP HASURKAR for Respondent No. 1

MR MC BAROT for Respondent No. 2

NOTICE SERVED for Respondent No. 3, 4

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 18/02/2000

ORAL JUDGEMENT

This petition is pending since 1988. Prayer in the petition is to direct the respondent authorities to

regularise the services of the members of the petitioner union and to grant all benefits. When the petition was admitted, ad-interim relief was also granted and it was observed that since members of the petitioner union were working as work charge drivers for considerable long period and they were likely to be relived, the respondents were restrained from relieving them from service. After hearing the parties, interim relief was ordered to be continued.

Today, when the matter was called out for final hearing, the learned counsel for the petitioners stated that since more than a decade had passed, he was not aware as to whether the members of the petitioner union were still in service or whether their services were regularised in which case, it might not be necessary to argue the matter further. He, however, stated that in case, their services were not regularised and they were only continued as daily rated /work charge employees, they might be interested in the final outcome of the petition. He, therefore, stated that some time might be granted by the Court.

The matter is of 1988. In my opinion, therefore, no further time should be granted . At the same time, however, when ad-interim relief was granted against termination of services of the petitioners and the said ad-interim relief was made interim relief and was ordered to be continued and is in operation since more than 12 years, it is in the interest of justice that interim relief is continued for further period of three months from today to permit petitioners to take appropriate proceedings in accordance with law as in my opinion, the question sought to be raised in the present petition cannot be appropriately dealt with and decided in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. At the same time, when interim relief is there, in my opinion, it would be in the interest of justice if said interim relief is continued for some time so as to permit the petitioner union to approach appropriate forum available to them. Accordingly, interim relief granted earlier is ordered to continue for three months from today.

It is clarified that if by this time, services of the members of the petitioner union or any of them are regularised, this order would not come in the way of the petitioners and those orders will operate. I may also state that since I am not entering into merits of the matter, disposal of this petition would not adversely affect the petitioner of getting relief in appropriate

proceedings in appropriate court. Rule is made absolute to the aforesaid extent. No order as to costs.

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parekh